

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDRE FIELDS, et al.**

Plaintiffs,

v.

**AMERICAN AIRLINES, INC., et al.**

Defendants.

**CIVIL ACTION**

**NO. 19-903-KSM**

**ORDER**

**AND NOW**, this 22nd day of September, 2021, upon consideration of Defendants' Motion to Dismiss the Third Amended Complaint (Doc. No. 47), Plaintiffs' opposition brief (Doc. No. 55), Defendants' reply brief (Doc. No. 61), Plaintiffs' surreply brief (Doc. No. 62), and the arguments made by counsel at oral argument on July 29, 2021, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. To the extent that Plaintiffs' claims are based on American Airlines' top filling practices, the motion is **GRANTED**, and the claims are **DISMISSED WITH PREJUDICE**.

2. As to Counts III and IV, the motion is **GRANTED**, and these counts are **DISMISSED WITHOUT PREJUDICE**. If Plaintiffs can in good faith cure the defects identified in the accompanying Memorandum, they may file an amended complaint as to these counts. Any amended complaint shall be filed by **October 6, 2021**.

3. As to Counts V, VI, and VII, the motion is **GRANTED**, and these counts are **DISMISSED WITH PREJUDICE**.

4. The remainder of the motion is **DENIED**.

**IT IS SO ORDERED.**

*/s/Karen Spencer Marston*

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KAREN SPENCER MARSTON, J.